

Summaries of the bills are below.

The Fair Pay Restoration Act

The Fair Pay Restoration Act would clarify that laws against pay discrimination apply to every paycheck or other compensation a worker receives. The bill's protection extends to pay discrimination based on race, national origin, gender, religious, age or disability.

The bill overturns Ledbetter v. Goodyear Tire & Rubber Co., a divided Supreme Court held 5 to 4 that workers must sue for pay discrimination within 180 days after the original pay-setting decision, no matter how long the unfair pay continues.

Under the case, it doesn't matter if the discrimination is still ongoing today, and the worker initially had no way of knowing that others were being paid more for the same work. Thus workers receiving an unfairly low wage today could still be out of time to hold the company accountable if they did not discover the discrimination soon after it first began. The Fair Pay Restoration Act:

Restores a fair, reasonable time limit for filing pay discrimination claims. The bill would start the clock for filing pay discrimination claims when compensation is received, rather than when the employer decides to discriminate. Each discriminatory paycheck would restart the clock for filing a pay discrimination claim. As long as workers file their claims within 180 days of a discriminatory paycheck, their charges will be considered timely.

Retains a fair limit on the amount employers owe. Under the bill, employers would not have to make up for salary differences that occurred decades ago. Current law limits back pay in job discrimination cases to two years before the worker filed a discrimination claim. The bill would not change this two-year limit on back pay.

Restores Congressional intent. The bill mirrors language prohibiting discriminatory seniority systems, which was included in the landmark Civil Rights Act of 1991. The 1991 Act was signed by the first President Bush in 1991 with broad bipartisan support, passing the House 381-38 and the Senate 93 to 5.

BACKGROUND ON THE CIVIL RIGHTS ACT OF 2008

Congress has enacted bipartisan laws to ensure that federal tax dollars are not used to subsidize discrimination, and that Americans have real remedies when their civil rights are violated. Recent court decisions have weakened these basic protections in ways that Congress never intended. *Senator Edward M. Kennedy (D-MA) and Rep. John Lewis (D-GA) plan to reintroduce a bill to help keep the promise of equality by strengthening accountability when civil rights and workers' rights are violated. The Civil Rights Act of 2008 would:*

Ensure that Federal Funds are not Used to Subsidize Discrimination

- **Allow individuals to seek relief when federal funds subsidize practices that have an unjustified discriminatory effect.** Federal laws prohibit discrimination by recipients of federal funds based on race, national origin, disability, age, or gender. In 2001, however, the Supreme Court held that individuals may no longer challenge federally-funded programs that have an unjustified discriminatory effect, unless they also can meet the heavy burden of proving discriminatory intent. Thus, currently, only the federal government can bring such suits. This bill restores the individual right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age or gender.
- **Protect students from harassment in schools that receive federal funds.** It gives students the same protection from unlawful harassment in our schools as adults have on the job. Currently, schools that receive federal funds cannot be held accountable if a teacher or classmate harasses a child unless the school had actual notice of the abuse and did virtually nothing to correct the problem. This is true even if the school has turned a blind eye to clear signs of harassment.

Hold Employers Accountable for Age Discrimination

- **Make state employers fully accountable for age discrimination.** Under a recent Supreme Court decision, state employers do not have to provide back pay or other monetary damages when they discriminate against workers based on age in violation of the Age Discrimination in Employment Act. The bill would require state employers to give workers full relief for age discrimination, including backpay.
- **Clarify the standard for challenging employment practices that have a discriminatory effect based on age.** It makes clear that the standard of proof in cases alleging an unjustified discriminatory effect based on age is the same as in cases alleging an unjustified discriminatory effect based on race, color, gender, national origin, or religion.

Improve Accountability for Other Violations of Civil Rights and Workers' Rights

- Prohibit employers from requiring workers to give up the right to enforce employment laws in court in order to get a job or keep a job.
- Provide attorney's fees and expert fees in major civil rights and labor cases.
- Provide full, effective remedies for victims of discrimination based on gender and religion paralleling those available for race and national origin discrimination claims.
- Prohibit employers from requiring workers to give up the right to enforce employment laws in court in order to get a job or keep a job.
- Provide relief for workers, regardless of immigration status, who are victims of labor and employment law violations.

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